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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 GREGORY BOLIN,

Case No. 3:07-00481-MMD-CLB

7 Petitioner,

8 v.

ORDER

9 CALVIN JOHNSON,¹ *et al.*,

10 Respondents.
11

12 On April 26, 2021, the United States Court of Appeals for the Ninth Circuit issued
13 a decision concluding that this Court applied the incorrect standard in denying Petitioner
14 Bolin's motion for stay and abeyance under *Rhines v. Weber*, 544 U.S. 269 (2005). (ECF
15 No. 259.) As a result, the Ninth Circuit reversed and remanded for this Court "to apply the
16 proper standard in ruling on Bolin's *Rhines* motion." (*Id.* at 9.)

17 As discussed in the decision, this Court denied Bolin's stay request without the
18 benefit of subsequent case law providing guidance as to the proper standard. (*Id.* at 7-9
19 (first citing *Blake v. Baker*, 745 F.3d 977 (9th Cir. 2014), and then citing *Dixon v. Baker*,
20 847 F.3d 714 (9th Cir. 2017).) Consequently, the Court will allow the parties to update
21 their arguments considering the current case law governing the application of *Rhines*.

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23
24 ¹Based on a Nevada Department of Corrections Inmate Search
25 (<https://ofdsearch.doc.nv.gov/form.php>), Petitioner Bolin is currently housed at High
26 Desert State Prison. Thus, the warden of that facility, Calvin Johnson, is substituted for
27 Renee Baker as the primary Respondent. See *Rumsfeld v. Padilla*, 542 U.S. 426, 435
28 (2004) (noting that the default rule is that the proper respondent is the warden of the
facility where the prisoner is being held).

1 It is therefore ordered that Bolin has 60 days from the date this order is entered to
2 file a renewed motion for stay and abeyance.

3 It is further ordered that Respondents will have 60 days following service of the
4 motion to file a response. Bolin will thereafter have 30 days to file a reply.

5 The Clerk of Court is directed to reopen this case.

6 DATED THIS 21st Day of May 2021.

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9 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE